

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

WELLS FARGO §  
VS. § CIVIL ACTION NO. 4:12-CV-886-Y  
KEITH FOSTER, et al. §

ORDER ADOPTING FINDINGS, CONCLUSIONS,  
AND RECOMMENDATION OF THE MAGISTRATE JUDGE AND  
DENYING MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

On December 13, 2012, the magistrate judge entered his Findings, Conclusions, and Recommendation ("FCR") (doc. 9). In his FCR, the magistrate judge found that Defendants, who removed the case to this Court, had sufficient monthly resources available to pay the filing fee in this case. Based on this finding, the magistrate judge recommended that Defendants' Applications to Proceed in District Court Without Prepaying Fees or Costs (docs. 6, 7) be denied. The magistrate judge further recommended that Defendants be informed that their Notice of Removal (doc. 1) will be subject to dismissal without further notice under Federal Rule of Civil Procedure 41(b) unless they timely pay the full filing fee of \$350.00. Defendants were given until January 3, 2013, to file objections to the magistrate judge's FCR, but they filed none.

After review, the Court ADOPTS the magistrate judge's FCR (doc. 9) as the findings and conclusions of this Court for the reasons stated therein. Defendants' motions for leave to proceed in forma pauperis (docs. 6, 7) are DENIED. Defendants shall have until **January 25, 2013**, to pay to the clerk of Court the full

filng fee of \$350.00. Failure to do so will result in the Court's remanding this case back to state court.

SIGNED January 15, 2013.

Terry R. Means  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE